

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE REPUBLIC OF COLOMBIA**

CONCERNING

**THE PROGRAM FOR THE SUPPRESSION OF ILLICIT AERIAL TRAFFIC IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES**

("AIR BRIDGE DENIAL AGREEMENT")

The Government of the United States of America ("USG") and the Government of the Republic of Colombia ("GOC") (collectively, the "Parties"), concerned about the continuing illicit trafficking in narcotic drugs and psychotropic substances into, within, and through Colombia;

Recalling that under the 1962 General Agreement for Economic, Technical and Related Assistance between the Government of the United States of America and the Government of Colombia ("1962 Agreement"), the USG has agreed to furnish certain economic, technical, and related assistance;

Recalling that the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ("1988 Convention") requires the Parties to consider entering into bilateral agreements to carry out, or to enhance the effectiveness of, its provisions;

Considering the need to strengthen joint efforts against the world drug problem and related crimes.

Recognizing that the illegal trafficking in drugs and psychotropic substances has had a major negative impact on Colombian efforts to achieve economic and social progress, under the democratic rule of law;

Desiring to reinforce the bilateral program for the control of narcotic drugs and psychotropic substances as set forth in the 2004 Annex to the 1962 General Agreement for Economic, Technical and Related Assistance between the Government of the United States of America and the Government of Colombia ("2004 Annex");

Have agreed as follows:

ARTICLE I

GENERAL

A. This Agreement, commonly referred to as the "Air Bridge Denial Agreement" or "ABD Agreement" ("the Agreement"), shall be the bilateral instrument that governs the Air Bridge Denial Program and the use of Air Bridge Denial Program resources in support of suppression of illicit maritime trafficking in narcotic drugs and psychotropic substances ("SSIMT"), as set out below and in the Annexes and Appendix to this Agreement.

B. The program described herein is designated as the Program for the Suppression of Illicit Aerial Traffic in Narcotic Drugs and Psychotropic Substances ("Air Bridge Denial Program" or "ABD Program"). The Parties agree to support the ABD Program in order to strengthen the capability of the GOC to eliminate illicit aerial trafficking in narcotic drugs and psychotropic substances in the airspace of the Republic of Colombia. Subject to the availability of appropriated funds, the USG may provide support to the ABD program.

C. The Colombian Air Force ("FAC") shall be responsible for the ABD Program. The FAC shall oversee operations undertaken within the ABD Program and shall coordinate with the other Colombian institutions involved in the ABD Program and the United States Joint Interagency Task

Force South ("JIATF-S"). The FAC shall perform the day-to-day administration of the provisions of this Agreement with the assistance of the designated U.S. Embassy representative. The USG, through JIATF-S, may provide aerial assets to the ABD program and shall exercise tactical control of those U.S. aircraft that participate in the ABD Program.

D. An "ABD mission" is a mission undertaken in furtherance of the ABD Program. An "SSIMT mission" ("Annex B mission") is a mission that uses resources provided to the ABD Program to support the ongoing efforts of the United States, Colombia, and other partner nations to counter illicit maritime trafficking in narcotic drugs and psychotropic substances in the Caribbean Sea and Pacific Ocean. ABD missions shall take priority over SSIMT missions, unless otherwise agreed by JIATF-S and the FAC.

ARTICLE II

ABD PROGRAM DESCRIPTION

A. Under the ABD Program, non-commercial aircraft flying in Special Zones of Air Control (as defined in Article III(B)(2)) could be subject to special surveillance by ground and aerial detection assets to determine whether the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking (as defined in paragraph F). The Appendix to Annex A contains factors to be considered in determining whether the aircraft is reasonably suspected of being primarily engaged in illicit drug trafficking. Safety procedures to be used in the ABD Program are contained in Annex A and shall be used by the personnel and representatives of both parties in implementing the ABD Program.

B. Air Safety Monitors, Ground Safety Monitors, and JIATF-S (collectively, the "safety oversight triad") verify compliance with the procedures contained in Annexes A and B.

C. An "ABD event" is the application of the operational and safety procedures described in this Agreement to a particular civil aircraft.

D. As used in this Agreement, "interception" means the act by a tracker or interceptor aircraft of approaching and remaining near an aircraft, with the goal of identifying that aircraft and, if necessary, directing it back to its planned route, escorting it out of restricted or prohibited airspace or the Special Zones of Air Control, or instructing it to land.

E. In accordance with Article 2 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal, September 23, 1971, to which both the United States and Colombia are parties:

(1) An aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over responsibility for the aircraft and for persons and property on board.

(2) An aircraft is considered to be in service from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in subparagraph (1) above.

F. An aircraft is reasonably suspected of being "primarily engaged in illicit drug trafficking" when a sufficient basis exists to reasonably suspect that the primary purpose of the operation of an aircraft in service is:

(1) The illicit transport of narcotic drugs or psychotropic substances (as defined in the 1988 Convention), or the travel of the aircraft to the place where it illicitly receives narcotic drugs or

psychotropic substances or the return of the aircraft after illicitly moving narcotic drugs or psychotropic substances, or

(2) The transport of proceeds that directly result from an illicit transaction in such narcotic drugs or psychotropic substances (or the travel of the aircraft to the place where it delivers or receives the proceeds).

G. If any GOC or USG participant in the ABD Program has reason to believe that persons not willfully engaged in illicit drug trafficking are on board an aircraft, that aircraft shall not be considered to have a primary purpose of illicit drug trafficking.

H. The pilot, crew, and passengers of all aircraft subject to action under the ABD program are presumed not to be engaged in illicit drug trafficking. The highest priority for the ABD Program is to have the intercepted aircraft land safely at the nearest GOC-controlled landing strip, where law enforcement personnel may take control of the aircraft. As detailed in Annex A, the use of deadly force shall be undertaken only as a last resort.

I. Continued USG support for the ABD Program is conditioned upon consistent, strict adherence to the safety procedures in Annex A, including the International Civil Aviation Organization ("ICAO") radio and visual communication procedures for interception contained in Annex 2 to the Convention on International Civil Aviation, done at Chicago on December 7, 1944; U.S. Congressional authorization and appropriations of funds; and completion of all requirements under relevant U.S. laws and procedures.

J. The operation of tracker or detection and monitoring aircraft used in the ABD Program shall be subject to the rules, regulations, and procedures in force in Colombia, unless other procedures have been agreed upon by the Parties regarding these matters.

ARTICLE III

RESPONSIBILITIES OF THE GOVERNMENT OF COLOMBIA

A. The GOC agrees to assign dedicated personnel sufficient to meet operational requirements. The GOC is responsible for all related costs for such personnel, including but not limited to salaries, benefits, and travel within Colombia, except as otherwise provided for in this Agreement or agreed to by the Parties. The GOC shall ensure effective day-to-day operation of the ABD Program by providing adequate funding for normal administrative and related expenses, such as rents and utilities. GOC personnel shall be trained by certified instructors.

B. The GOC shall:

(1) Ensure compliance with the procedures in Annexes A and B;

(2) Designate Special Zones of Air Control ("ZECAs"). ZECAs are sections of Colombian national airspace delineated by the FAC, in coordination with the Special Administrative Unit of the Civil Aviation Agency of the GOC. The ZECAs shall be clearly defined and their existence clearly and widely disseminated prior to the commencement of activities under the ABD Program. The ZECAs shall only cover areas where there is sufficient basis to reasonably suspect that there are routes used for illicit trafficking in narcotic drugs or psychotropic substances and may not be designated over areas that are heavily populated. The ZECAs in force at the time of the entry into force of this Agreement are defined in the current Aeronautical Information Publication of Colombia;

(3) Provide the USG thirty (30) days notice prior to the implementation of any changes made to the ZECAs;

(4) On an annual basis, or as changes occur, widely promulgate, throughout the civil aviation community via NOTAM and other appropriate means, notice of the existence and location of the

ZECAs and the procedures that the FAC shall use to order intercepted aircraft to land, including the consequences of non-compliance;

(5) Establish a safety oversight program and provide Air Safety Monitor Officers (ASM) and Ground Safety Monitor Officers (GSM). In conjunction with JIATF-S, these safety monitors comprise the "safety oversight triad" and verify compliance with the procedures contained in Annexes A and B;

(6) Ensure that the GOC pilots, the Mission Commander Officers, and the Air and Ground Safety Monitors are proficient in English, including functional comprehension of common-use and specialized aviation terminology, and are familiar with agreed-upon communication protocols for the operational implementation of the ABD Program;

(7) Carry out through the Ministry of Defense the follow-up and supervision for the adequate daily implementation and management of the ABD Program;

(8) Publish the pertinent documents and information so that the owners and pilots of civil aircraft know the following requirements when operating civil aircraft in Colombia. Each civil aircraft is required to:

(a) File a flight plan before taking off (or if filing before takeoff is not possible, as soon as possible after taking off);

(b) Contact the nearest air traffic service as soon as possible after takeoff;

(c) Continuously monitor the proper air traffic service radio frequency and, where necessary, establish two-way communications with the air traffic service. In cases where it is impossible to make contact with the proper air traffic service, maintain an open channel on ICAO emergency frequencies;

(d) Be familiar with aerial intercept and radio and visual communication procedures promulgated by ICAO in Annex 2 to the Chicago Convention;

(e) Keep activated the transponder equipment with the code assigned by the Special Administrative Unit of the Civil Aeronautics;

(f) Obtain permission before flying over FAC restricted areas; and

(g) Refrain from staying overnight at non-controlled air fields in which the FAC has prohibited overnight stays;

(9) Furnish all necessary documents and information to the USG to enable the USG to make semi-annual reviews and yearly certifications relating to the operation and safety of the ABD Program;

(10) Provide, insofar as possible and according to availability, appropriate aircraft to carry out the ABD Program; and

(11) The GOC is responsible for all maintenance and operations of the aircraft and associated equipment.

C. The GOC shall not use USG assistance, whether provided for purposes of the ABD program or otherwise, to fire warning shots at or damage, render inoperative, or destroy any aircraft in service unless the agreed-upon ABD Program procedures are followed. Nothing in the Agreement is intended to preclude or limit the GOC's ability to use force in defense of self or others at any time. "USG assistance," includes but is not limited to: funding; intelligence; information; radar data; logistical support; command, control and communications support; equipment; maintenance; and training provided by the USG.

D. Unless provided for otherwise in a separate transfer agreement, the GOC shall not use or permit the use of any assistance provided at any time under this agreement for purposes other

than counternarcotics without the consent of the USG. The USG's ability to consent to exceptional uses of ABD assistance may be subject to limitations imposed by U.S. law.

E. Shall not use or permit the use of any assistance mentioned in Section D, if the ABD program is suspended or terminated, unless the GOC has first obtained consent of the USG.

F. With respect to the use of USG-provided cryptographic equipment for the ABD program, the GOC will comply with the "Letter of Agreement between the U.S. Military Group-Colombia and the Ministry of Defense-Colombian Military Forces", signed in Bogota on June 30, 2006, including any amendments and superseding agreements. The "Memorandum of Understanding between the U.S. Embassy Bogota Narcotics Affairs Section and the Ministry of Defense of the Republic of Colombia," signed on December 27, 2007, pertaining to the use of SATCOM radios with their associated hardware and software materials, shall no longer apply.

ARTICLE IV

RESPONSIBILITIES OF THE GOVERNMENT OF THE UNITED STATES

A. Subject to the availability of appropriated funds, the USG may provide training, cryptographic equipment, current aerial and maritime interdiction information, and other support to the Colombian Air Force to support the ABD Program.

B. All USG-funded training shall be provided in accordance with current U.S. directives and conducted by USG approved instructors.

C. The USG shall ensure that semi-annual reviews with a yearly certification of the ABD Program are conducted, in accordance with the relevant U.S. law, including 22 U.S.C. section 2291-4 (as amended).

D. The USG shall assist the GOC in providing safety oversight through the use of the JIATF-S Operations Center. This portion of the "safety oversight triad" shall also monitor verify compliance with the established procedures that are contained in Annexes A and B. The USG shall assist the GOC in ensuring that the FAC Ground and Air Safety Monitors are proficient in English, and are familiar with agreed-upon communication protocols for the operational implementation of this ABD Program.

E. The USG acknowledges that, in the event that the USG suspends or terminates USG-provided support, the GOC may suspend or terminate future USG access to Colombian information and support provided under this Agreement.

F. With respect to the provision of cryptographic equipment for the ABD program, the USG will comply with the "Letter of Agreement between the U.S. Military Group-Colombia and the Ministry of Defense-Colombian Military Forces", signed in Bogota on June 30, 2006, including any amendments and superseding agreements. The "Memorandum of Understanding between the U.S. Embassy Bogota Narcotics Affairs Section and the Ministry of Defense of the Republic of Colombia," signed on December 27, 2007, pertaining to the use of SATCOM radios with their associated hardware and software materials, shall no longer apply.

ARTICLE V

FUNDING

A. Disbursement of USG funds for procurement of goods and services referred to in this Agreement shall be subject to the availability of appropriated funds for that purpose and shall be made as charges against sub-obligating documents prepared and issued by the USG.

B. Funds obligated by the USG that have not been sub-obligated within twelve months following the close of the fiscal year in which this Agreement has entered into force may be de-obligated by the USG. The USG may extend the sub-obligation period upon a request from the GOC.

ARTICLE VI

PROPERTY AND PERSONNEL

The treatment of property and personnel under this Agreement shall be in accordance with Article V of the 2004 Annex, with the exception that funds resulting from any insurance payment or settlement for damaged USG-furnished equipment must be used to implement drug trafficking control projects in support of this Agreement.

ARTICLE VII

PROCUREMENT

Procurements under this Agreement shall be made in accordance with Article IX(2) of the 2004 Annex.

ARTICLE VIII

TRAINING OF PERSONNEL

Training of personnel under this Agreement shall be done in accordance with Article VI of the 2004 Annex.

ARTICLE IX

EVALUATION

Evaluation of assets and of the ABD Program under this Agreement shall be in accordance with Article VII of the 2004 Annex, with the addition that The Parties shall jointly monitor and evaluate the implementation of the ABD Program to include, but not be limited to:

- (1) a semiannual examination of the adequacy and appropriateness of existing ZECAs;
- (2) an annual assessment of whether the relevant ABD Program personnel are or remain proficient in English in order to implement the terms of this Agreement;
- (3) an annual assessment to verify that GOC and USG information was used in a manner consistent with the goals and procedures of the ABD Program in those instances where warning shots were fired or force was used against an aircraft in service, whether pursuant to or outside of the ABD Program; and
- (4) an annual joint status and evaluation report on the ABD program. The status and evaluation report shall include a summary of USG and GOC ABD Program contributions, a record of activities performed, objectives achieved, and related basic data.

ARTICLE X

AIRCRAFT ACCIDENTS

The purpose of an Accident Investigation Board is to determine the cause of an accident and recommend corrective actions in the areas of training, operational procedures, maintenance, and equipment with the objective of preventing future accidents. In the event of an accident involving any aircraft engaged in operations under the ABD program or SSIMT, the Parties shall consult and decide on the need for a Combined Accident Investigation Board and the procedures for that Board within 30 days of the accident. All members of a Combined Accident Investigation Board shall have access to all relevant damaged material/equipment, information, files, and reports.

ARTICLE XI

TAXES AND DUTIES

Treatment of taxes and duties shall be in accordance with Article IV of the 1962 Agreement.

ARTICLE XII

STATUS OF USG PERSONNEL IN COLOMBIA

USG personnel present in Colombia in connection with implementation of this Agreement shall be accorded the same privileges and immunities enjoyed by Special Missions in accordance with Article III of the 1962 Agreement.

ARTICLE XIII

HUMAN RIGHTS

Human rights issues under this Agreement shall be addressed in accordance with the Preamble of the 2004 Annex, and the Parties shall act consistent with that text.

ARTICLE XIV

ANNEXES

The Annexes to this Agreement shall be deemed an integral part of this Agreement.

ARTICLE XV

FINAL PROVISIONS

A. This Agreement shall enter into force upon signature and supersede the "Agreement between the Government of the United States of America and the Government of the Republic of Colombia Concerning the Program for the Suppression of Illicit Aerial Traffic in Narcotic Drugs and Psychotropic Substances, signed at Bogotá on December 20, 2007.

B. Amendments to this Agreement may be made as agreed by the Parties. All amendments to this Agreement shall be in writing. The amendments shall enter into force immediately upon signature by both Parties unless otherwise specified in the amendments.

C. Either Party may temporarily suspend ABD Program operations pending a joint review in accordance with Article IX herein. Such suspension shall take effect upon notification of one Party in writing to the other of such suspension. Either Party may suspend its assistance to the ABD Program, in part or in full, if it believes that the other Party has failed to comply with its responsibilities under this Agreement.

D. The USG reserves the right to terminate any or all assistance provided under this Agreement or to take other appropriate measures if an agency of the GOC to or through which assistance is being provided under this Agreement or a key individual of such agency or any recipient of scholarships, fellowships, or training financed under this Agreement is found to have been convicted of a narcotic drugs or psychotropic substances offense or to be or have been engaged in illicit trafficking in narcotic drugs or psychotropic substances.

E. Nothing in this Agreement modifies or alters the obligations between the Parties provided for in other international agreements to which either is a party; or is anything in this Agreement intended to prejudice the position of either Party with regard to the international law of the sea.

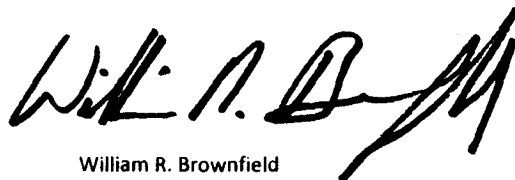
F. Either Party may terminate this Agreement by giving the other Party 90 days' written notice prior to such termination. In addition, the USG may terminate this Agreement if a Presidential Determination required by U.S. law is no longer in effect for this Program effective on the date the

USG notifies Colombia of such a change. Termination of this Agreement shall cancel any obligations of the Parties to make contributions pursuant to this Agreement, except for payments of commitments entered into with third parties prior to the notice of cancellation of the Agreement. Additionally, notwithstanding such termination, it is expressly understood that the obligations under Article VI of this Agreement, relating to the use of property, shall remain in force after termination of the Agreement.

Done this 20 day of Dec, 2009, at Bogotá, in duplicate in the English and Spanish languages, each text being equally authentic.

For the Government of the
United States of America

For the Government of the
Republic of Colombia



William R. Brownfield
Ambassador of the
United States of America



Gabriel Silva Luján
Minister of National Defense

ANNEX A: AIR INTERDICTION PROCEDURES

The Parties agree to comply with the following procedures in connection with the ABD Program. These procedures are designed to protect against loss of life in the air and on the ground in connection with the ABD Program and to meet the domestic legal requirements of each Party.

I. General

A. Under the ABD Program, aircraft may be damaged, rendered inoperative, or destroyed only if (1) if they are reasonably suspected of being primarily engaged in illicit drug trafficking, as determined using the factors set forth in the Appendix, as well as other relevant information gathered before and during the detection, sorting, identification, monitoring, and interception phases of each ABD event, and (2) they fail to comply with instructions from the Colombian Air Force ("FAC").

B. At a minimum, the USG shall provide the following participants for the ABD Program:

(1) A JIATF-S Tactical Commander, who exercises command and control of USG ABD assets through the JIATF-S Joint Operations Center ("JOC");

(2) A JIATF-S Command Duty Officer, who is the Tactical Commander's senior watch officer at the JIATF-S JOC;

(3) A Host Nation Rider Assistant, who is a USG representative who assists the Host Nation Rider. The Host Nation Rider Assistant shall be proficient in Spanish;

(4) The Air Force South Air Operations Coordination Cell ("AAOCC"), located in the Colombian Air Force Command and Control Center ("CCOFA", its initials in Spanish), which shall assist in coordination, information exchange, and analysis between JIATF-S and the CCOFA.

C. At a minimum, the GOC shall provide the following participants for the ABD Program:

(1) The Commander of the Colombian Air Force ("COFAC"), who oversees the ABD Program, approves the progression through the ABD phases discussed herein, and exercises command and control of GOC ABD assets;

(2) The Battle Commander Officer ("OCB"), who transmit the COFAC's orders to the ODM;

(3) The Mission Director Officer ("ODM"), who transmits orders from the OCB to the tracker and interceptor aircraft and supervises compliance by GOC tracker and interceptor aircraft with the procedures and orders detailed herein;

(4) A FAC Liaison Officer, who is assigned to JIATF-S and coordinates the planning, information exchange and analysis between JIATF-S and the CCOFA;

(5) A Host Nation Rider, who makes identification of tracks of interest, if possible, and helps coordinate GOC actions in furtherance of the ABD Program. The Host Nation Rider shall have access to equipment necessary for the purposes of coordinating operations with the CCOFA and, in certain instances, directing such operations;

(6) A Ground Safety Monitor, who is an officer of the FAC and the safety oversight triad representative in the CCOFA during ABD operations;

(7) An Air Safety Monitor, who is an officer of the FAC and the safety oversight triad representative on GOC tracking aircraft. The Air Safety Monitor observes decisions made by GOC personnel, communicates with the Ground Safety Monitor and the JIATF-S Command Duty Officer, and reports to them whether the agreed-upon procedures are being followed.

D. Subject to the specific exceptions contained in this Agreement, the GOC is solely responsible for all operational actions relating to each ABD event and the program. The OCB shall inform the Ground Safety Monitor of the COFAC's intentions to proceed to the next phase of an ABD event prior to proceeding to the next phase.

E. Any of the USG ABD participants (including those listed in paragraph B of this section) may notify the GOC of any USG objection to an operational decision made by the GOC, but shall have no authority to take, recommend, or order any particular GOC action under the ABD Program, except as specified in this Agreement. In addition, if at any point during an ABD event any of the USG ABD participants (including those listed in paragraph B of this section) objects, the USG immediately shall cease to provide assistance to that ABD event, except to the extent that the cessation of USG assistance would create safety-of-flight issues. USG assistance to the ABD event may resume if objections are resolved.

F. Activities for the detection, identification and monitoring of civil aircraft over the Pacific Ocean and the Caribbean Sea shall be conducted in a manner consistent with international applicable law. The FAC shall not initiate or conduct Phases I, II, or III in the designated areas, with any aircraft unless and until that aircraft enters into a ZECA.

G. Phase I of the ABD Program, as described herein, may be implemented only in Colombian airspace. Phase II may only be initiated and conducted within a ZECA. The GOC shall make all reasonable efforts to ensure that Phase III, if reached, also only be initiated within a ZECA. However, although not desirable, it is possible that Phase III might occur outside a ZECA, prompted by an identification of an aircraft reasonably suspected of being primarily engaged in illicit drug trafficking within a ZECA, because of the time involved in completing the procedures.

H. Under the ABD Program the GOC shall not enter into Phase II or Phase III (as described herein) when:

(1) an aircraft is reasonably identifiable as a state or commercial aircraft;

(2) it knows or should know that an aircraft is operating in accordance with a flight plan filed with air traffic authorities of Colombia, or of the country in which the flight originated, that does not contain false information and has not, without justification, significantly departed from the flight plan;

(3) the pilot of an aircraft is reasonably believed to be incapacitated. This provision does not apply if there exists sufficient reason to conclude that the report of unlawful interference is being used as a trick in order to avoid the use of force by the FAC; or

(4) an aircraft is reasonably believed to have been subject to unlawful interference or its pilot appears to be under duress (except if the aircraft poses an imminent threat to persons outside of the aircraft). This provision does not apply if there exists sufficient reason to conclude that the report of unlawful interference is being used as a trick in order to avoid the use of force by the FAC.

I. If any USG or GOC participant in an ABD event has reason to believe that one or more of these conditions is met, that interception shall be terminated immediately. However, these procedures are not intended to preclude the GOC from conducting efforts to identify and monitor these categories of aircraft through radio contact, visual identification, or by other means.

J. If there is a loss of communications among any of the members of the safety oversight triad, USG or GOC agencies or personnel during Phases I, II, or III of an ABD event, as described herein, the GOC or USG ABD participants (including those in paragraph B of this section) may require that the ongoing ABD event terminate. The departure of a tracking aircraft from the scene after the FAC has initiated an ABD ground event shall not be deemed to constitute a loss of communications

if there is a second GSM in the CCOFA who is following the event, as described in section VII.F. herein, and is in active communication with the interceptor.

K. The Parties shall take the necessary steps to ensure that each of their nationals or representatives, when participating in the ABD Program, is fully familiar with the contents of this Annex, including its Appendix.

II. Detection, Sorting, and Identification

When the GOC detects or is informed of an aircraft operating in a ZECA that is a candidate for possible ABD action (a "track of interest"), information on that aircraft shall be gathered (sorted) by the GOC from all reasonably available sources, including radar systems, radio and visual contact with the aircraft, electronic systems (which help verify whether the plane is traveling on a filed flight plan and what type of plane it is), and relevant air traffic control centers, to begin to determine whether the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking. That determination shall be made by the OCB in the CCOFA, using the factors set forth in the Appendix, as well as other information provided to GOC and USG participants in the ongoing action.

III. Monitoring

If the GOC reasonably suspects that an aircraft is primarily engaged in illicit drug trafficking, that aircraft shall be tracked and monitored. If tracking is intermittent, positive re-identification shall be made with reasonable certainty before the ABD event may continue. If the GOC has been unable to identify the track of interest as a legitimate track, the aircraft shall be considered suspect by the FAC under FAC procedures and may be intercepted.

IV. Interception (Phase I)

A. The interception phase (Phase I) includes attempts to contact the intercepted aircraft by radio and, if necessary, by visual signals in order to determine the identity of the pilot or intercepted aircraft.

In Phase I the GOC shall attempt to:

(1) determine with greater certainty the identity of the intercepted aircraft. The tracker or interceptor aircraft shall take all reasonable measures, including the use of night vision devices, to identify the intercepted aircraft by visual or electronic observation of the nationality markings, registration number, and any other license number or identifying features or markings on the intercepted aircraft;

(2) gather any further information regarding the intercepted aircraft that may help determine whether the intercepted aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking (see the Appendix to this Annex);

(3) establish communications with the intercepted aircraft through the use of radio communications or visual signals; and

(4) order the intercepted aircraft to land at the nearest suitable airfield, if factors continue to support a determination that the aircraft is primarily engaged in illicit drug trafficking.

B. The interceptor aircraft shall maneuver relative to the intercepted aircraft in conformance with the interception maneuver procedures promulgated by ICAO in Annex 2 to the Chicago Convention in order to:

(1) avoid endangering the lives of persons on board the intercepted aircraft;

(2) permit the unimpeded and continuous visual observation of the intercepted aircraft; and

(3) allow communications to be established with the intercepted aircraft through the use of radio communications or visual signals.

C. The interceptor aircraft first shall attempt to establish contact with the intercepted aircraft in flight using radio communications procedures promulgated by ICAO in Annex 2 to the Chicago Convention ("ICAO radio communication procedures"), making sure to attempt contact using both emergency frequencies 121.5 MHZ and 243 MHZ and normal UHF and VHF civil aviation frequencies for the area of operation (hereinafter, "the appropriate frequencies"). Radio communications shall use the English and Spanish languages and, where possible, the language of the country of registry, if known.

D. Whenever radio contact can be established with the intercepted aircraft, the interceptor aircraft shall interrogate the pilot of the intercepted aircraft to determine its status.

E. If radio contact cannot be established with the intercepted aircraft, the interceptor aircraft shall use the visual signals for interception promulgated by ICAO in Annex 2 to the Chicago Convention ("ICAO visual signals") to attempt to establish communication.

F. If there continues to be a reasonable suspicion that the aircraft in flight is primarily engaged in illicit drug trafficking, the interceptor aircraft shall contact the intercepted aircraft using ICAO radio communications procedures and using the appropriate frequencies or, if radio contact cannot be established, through the use of ICAO visual signals, and order the intercepted aircraft to land at a designated place suitable for a safe landing.

G. An aircraft for which there is sufficient basis to reasonably suspect that it is primarily engaged in illicit drug trafficking shall be classified as "hostile" by the FAC under FAC procedures if, after being identified and intercepted, it does not comply with the procedures and instructions given by the FAC interceptor during Phase I.

V. Use of Warning Shots (Phase II)

Phase II consists of the firing of warning shots, using ammunition containing tracer rounds, in order to demonstrate to the pilot of the intercepted aircraft that he must comply with the interceptor's order. If all of the procedures required under this Agreement have been followed, if the information gathered continues to indicate that an aircraft is reasonably suspected of being primarily engaged in illicit drug trafficking, and if the aircraft fails to respond to the interceptor's order to land, the GOC may, in accordance with the following, move to Phase II.

A. In Phase II, the Colombian interceptor aircraft shall not fire warning shots until he requests and receives authorization. All such requests must be reviewed by the COFAC. The COFAC may approve such request after verifying that all procedures required under this Agreement have been followed. The OCB shall inform the Ground Safety Monitor of the recommendation he intends to make to the COFAC.

B. In advance of firing warning shots, the interceptor aircraft shall attempt to warn the intercepted aircraft, using ICAO radio communications procedures and using the appropriate frequencies, that warning shots shall be used if the intercepted aircraft refuses to comply. Unless the safety of flight prevents it, warning shots shall be fired from a position slightly ahead of the wing line and parallel to the course of the intercepted aircraft to ensure that the intercepted aircraft is not in the line of fire. In the event that the safety of flight or technical limitations prevent warning shots from being fired from the position described above, the pilot of the interceptor aircraft shall make every reasonable effort to make the warning shots visible to the pilot of the intercepted aircraft. The aircraft firing the warning shots shall make every reasonable effort to avoid shooting the intercepted aircraft, any other aircraft in the vicinity, or persons or property on the ground.

VI. Firing of Weapons at Intercepted Aircraft (Phase III)

A. The GOC shall not fire weapons at an intercepted aircraft if:

- (1) the aircraft has met one or more of the conditions contained in section I.H above;
- (2) the tracking of the intercepted aircraft has been intermittent and positive re-identification has not been made with reasonable certainty; or
- (3) the aircraft is operating in proximity to a populated area or the action being taken could reasonably be expected to result in loss of innocent life in the air or on the ground.

B. If, after warning shots are fired under Phase II, the intercepted aircraft does not acknowledge or follow the interceptor's directions, the Colombian interceptor aircraft may only fire weapons at the intercepted aircraft if it requests and receives permission to do so (Phase III). All such requests must be reviewed by the COFAC. The COFAC may approve such request after verifying that all procedures required under this Agreement have been followed. The OCB shall inform the Ground Safety Monitor of the recommendation he intends to make to the COFAC.

C. Upon receipt of the COFAC's authorization, the interceptor aircraft shall warn the intercepted aircraft, using ICAO radio communications procedures and using the appropriate frequencies, that it shall be fired upon if it refuses to comply. The force used against the intercepted aircraft shall not be in excess of the minimum necessary to disable it, starting with a minimum level of fire in an attempt to persuade the intercepted aircraft to land as directed. The intercepted aircraft shall be given a reasonable opportunity to obey the previously issued orders to land before the interceptor uses additional force. Levels of force may be increased if the intercepted aircraft continues to refuse to follow the interceptor's directions. It is acknowledged that even the minimum level of force could result in loss of life. If the intercepted aircraft has landed or been shot down, the interceptor aircraft or tracker aircraft shall give immediate notice to the CCOFA of the location of the intercepted aircraft. Additionally, the GOC shall initiate the actions required in section VII.I.

VII. Procedures on the Ground

A. When an ABD event has entered Phase I, the FAC shall alert the command and control center of the Colombian National Police ("CNP"), the JOC of the Joint Military Forces Command, and appropriate aviation authorities of those locations at which an intercepted aircraft might be forced to land.

B. Any ABD event against an aircraft on the ground shall only commence if the full safety oversight triad is in place. If, after the FAC initiates an ABD ground event, the ASM cannot continue with the mission, the GOC must have (in addition to JIATF-S) a minimum of one additional GSM in the CCOFA to assist the primary GSM in ensuring that communications with the interceptor are being monitored and that procedures are being followed.

C. Any use of airborne weapons against the aircraft on the ground must be expressly authorized by the COFAC.

D. If an aircraft reasonably suspected to be primarily engaged in illicit drug trafficking lands at or is located at an airfield at which units of the CNP or military forces are present; those units shall attempt to take control of the aircraft for law enforcement purposes.

E. If an aircraft reasonably suspected to be primarily engaged in illicit drug trafficking lands, or, is located at an airfield at which units of the CNP or military forces are not present, units of the CNP or military forces shall make all reasonable attempts to reach the aircraft in a timely manner and take control of it for law enforcement purposes.

F. If an aircraft reasonably suspected to be primarily engaged in illicit drug trafficking lands, or, is located at an airfield where units of the CNP or military forces are not present, and CNP or military

forces are unable to arrive at the location of the aircraft within a reasonable period of time (calculated by the on-station loiter time of the tracker aircraft) or in sufficient numbers to control the situation, they shall notify the FAC immediately. Once the FAC is notified, the COFAC may consider whether to proceed with the ABD ground event. The following rules shall govern the event:

(1) The CNP or military forces shall notify the FAC immediately of their inability to arrive within a reasonable time or in sufficient numbers to control the situation;

(2) If the aircraft was located on the ground, or if the aircraft was tracked in flight but Phase I was not completed, or if the aircraft was tracked in flight and Phase I was completed but the aircraft was not continuously monitored, the GOC shall perform the following procedures:

(a) The interceptor aircraft first shall make two passes over the aircraft, rocking its wings and flashing its navigational lights. The passes shall be made at an altitude adequately low to be heard by individuals on the ground. Simultaneously, the interceptor shall attempt to establish contact with the located aircraft using ICAO radio communications procedures, making sure to attempt contact using the appropriate frequencies, including the frequency of uncontrolled aerodromes (122.9 MHZ). Radio communications shall use the English and Spanish languages and, where possible, the language of the country of registry, if known. The pilot shall attempt to obtain information from the pilot of the located aircraft, and shall inform the CCOFA of the physical characteristics of the aircraft and its proximity to buildings or populated areas (Ground Phase I);

(b) If there continues to be a reasonable suspicion that the located aircraft is primarily engaged in illicit drug and the located aircraft does not respond to the attempts to contact it, the interceptor aircraft shall attempt to warn the located aircraft, using ICAO radio communications procedures and using the appropriate frequencies, that warning shots will be used if the located aircraft refuses to respond. If the located aircraft continues to fail to respond to the warning, the interceptor may, after obtaining permission from the COFAC, fire warning shots, i.e., shots not aimed directly at the located aircraft, while at the same time informing the aircraft on the appropriate frequencies that it is currently firing warning shots and that if its instructions are not followed the located aircraft will be rendered inoperative (Ground Phase II);

(c) If, after warning shots are fired, the located aircraft does not acknowledge or follow the interceptor's directions, the Colombian interceptor aircraft may only fire weapons at the located aircraft if it requests and receives permission to do so. All such requests must be reviewed by the COFAC. The COFAC may approve such request after verifying that all procedures required under this Agreement have been followed. The OCB shall inform the GSM of the recommendation he intends to make to the COFAC (Ground Phase III).

(3) If the aircraft was tracked in flight, lands, and has been under continuous monitoring, and Phase I, II, or III have been completed in flight with respect to that aircraft, the FAC may proceed from sub-paragraph (2)(b), without undertaking sub-paragraph (2)(a).

G. The use of airborne weapons against an aircraft on the ground is only permitted in accordance with the procedures described in paragraph F.

H. The procedures in paragraph F shall apply during any attempt by an aircraft reasonably suspected of being primarily engaged in illicit drug trafficking to takeoff without permission. If an aircraft described in paragraph D succeeds in taking off and had been the subject of prior aerial tracking, the aerial event shall be reinitiated from the furthest aerial phase completed. If an aircraft succeeds in taking off but had not been the subject of prior aerial tracking, the aerial event shall be initiated from Phase I.

I. All events in which Phase II and III actions are taken against an aircraft on the ground without a tracker must still be reviewed in accordance with section VIII herein.

J. With regard to each paragraph above, the force used against an aircraft on the ground, following the procedures set forth in this section VII, shall not be in excess of the minimum necessary to prevent it from taking off.

K. Search and Rescue: To the extent possible, the GOC, with the support of participating USG agencies, shall conduct search and rescue operations involving intercepted or located aircraft. Airborne assets, if available, shall remain on the scene as long as possible, report the location of downed aircraft, render assistance as able, and, if so equipped, record through audio and visual means post-event efforts and actions.

L. If, with regard to an aircraft intercepted or located on the ground that is reasonably suspected to be primarily engaged in illicit trafficking, the GOC observes cargo being offloaded from that aircraft onto ground-based or water-based conveyances, the GOC may follow those conveyances by air to gather information on such conveyances, including their identity and destination.

VIII. Review of ABD Events

A. The USG, represented by JIATF-S, and the GOC, represented by the Chief of Air Operations of the FAC, shall jointly review ABD events that proceed to Phase II or Phase III. All other ABD events shall be jointly reviewed by the USG and the FAC. The onboard tapes of all aircraft engaged in ABD events shall be the primary basis for these reviews and each Party shall provide access to all onboard tapes involving a particular ABD event for purposes of conducting a review of that event. In addition, each Party shall receive copies of all onboard tapes of tracker aircraft involving ABD events that proceed to Phase II or Phase III. The USG and GOC shall keep all onboard tapes of ABD events that they possess, in accordance with their laws and regulations, and in any event in accordance with the following schedule:

(1) For ABD events that proceed to Phase II or Phase III, for at least one year; and

(2) For ABD events that proceed only to Phase I, the USG and the FAC shall keep SR-560 or SR-26 recordings, and ASM, GSM, and FAC records for at least 30 days.

B. For ABD events that proceed to Phase II or Phase III, the USG and GOC each shall produce a memorandum summarizing each event, evaluating whether procedures were followed, reviewing any errors or anomalies, and proposing corrective actions, if any, to be taken. Any differences in views shall be addressed in consultations between the Parties.

Appendix 1 to Annex A: Criteria for Determining Whether an Aircraft is Reasonably Suspected of Being Primarily Engaged in Illicit Drug Trafficking

The following factors should be considered before and during Phase I in determining whether an aircraft is reasonably suspected of being primarily engaged in illicit drug trafficking:

- (1) Did the aircraft fail to file a required flight plan?
- (2) Is it inexplicably flying outside the route designated in its approved flight plan?
- (3) Is it not using the assigned transponder code?
- (4) Is it flying at an inexplicably low altitude?
- (5) Is it flying at night with its lights out?
- (6) Does the aircraft have false (or no) tail numbers?
- (7) Are the windows blacked out?
- (8) Does the physical description of the aircraft match the description of an aircraft previously used in illicit drug trafficking?
- (9) Is there signal or human intelligence indicating that the aircraft is primarily engaged in illicit drug trafficking?
- (10) Is the aircraft flying without permission over a FAC restricted area in a ZECA?
- (11) Is the aircraft parked at night at a non-monitored air field in a ZECA (in which over night stays are prohibited) without permission?
- (12) Have all attempts to identify the aircraft failed?
- (13) Has the aircraft failed to respond to all attempts to communicate?
- (14) Has the aircraft ignored the FAC's orders?

(15) Have any objects been jettisoned from the aircraft?

(16) Is there any other information suggesting that the aircraft is primarily engaged in illicit drug trafficking?

(17) Is there any information suggesting that the aircraft is not primarily engaged in illicit drug trafficking?

ANNEX B: USE OF ABD ASSETS IN SUPPORT OF SUPPRESSION OF ILLICIT MARITIME TRAFFICKING IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The Parties agree to comply with the following procedures in connection with the use of ABD assets in support of suppression of illicit maritime trafficking in narcotic drugs and psychotropic substances ("SSIMT," or "ASTIM" in Spanish). The procedures outlined below are designed to ensure standardization among the Joint Interagency Task Force South ("JIATF-S"), Colombian Air Force ("FAC"), and Colombian Navy ("ARC") operations, in a manner consistent with the roles and missions of the Colombian armed forces, and meet the domestic legal requirements of each Party. Additional implementing arrangements may be coordinated among JIATF-S, FAC, and ARC.

I. General

A. The purpose of using the Cessna Citation SR-560 and SR-26 for SSIMT is to support the ongoing efforts of the United States, Colombia, and other nations to counter illicit maritime trafficking in narcotic drugs and psychotropic substances in the Pacific Ocean and Caribbean Sea. ABD missions shall take priority over SSIMT missions, unless otherwise agreed to by JIATF-S and the FAC.

B. SSIMT missions shall be conducted in a manner consistent with international applicable law.

C. For purposes of SSIMT, the SR-560 and SR-26 shall be under the operational control of the FAC and tactical control of JIATF-S. JIATF-S shall notify CCOFA of any tactical decisions concerning the SR-560 and SR-26.

D. At a minimum, the GOC shall provide the following participants for SSIMT: the COFAC; the FAC Chief of Air Operations ("JOA"), the COLNAV Chief of Naval Operations ("JONA"), the director of the ARC Center of Operations ("DICOA"), the OCB; a GSM; an ASM; the ODM; the FAC and COLNAV Liaison Officers assigned to JIATF-S. The OCB transmits the COFAC's orders to the ODM. The ODM transmits orders from the OCB to the SR-560 aircraft and supervises compliance by SR-560 aircraft with the procedures and orders detailed herein. The FAC and ARC Liaison Officers assigned to JIATF-S coordinate SSIMT missions among JIATF-S, the JOA, and the JONA. The ASM and GSM shall be qualified in English. The GSM(s) is the FAC's representative at the Colombian Air Force Command and Control Center ("CCOFA") during SSIMT missions. The GSM shall relay all JIATF-S tactical decisions to CCOFA and, when necessary, assist with the transition from SSIMT to ABD or from ABD to SSIMT. The ASM is the FAC's representative on SR-560 and SR-26 aircraft responsible for communicating with the GSM(s) and JIATF-S, and shall report/pass all collected information to JIATF-S and the CCOFA.

E. At a minimum, the USG shall provide the following participants: a JIATF-S Tactical Commander; a JIATF-S Command Duty Officer (CDO); and a Host Nation Rider (HNR) Assistant, when required. The Host Nation Rider Assistant shall be fluent in Spanish. The JIATF-S Tactical Commander exercises tactical control of the aircraft through the JOC. The JIATF-S Command Duty Officer is the Tactical Commander's senior watch officer at the JIATF-S JOC. The AAOC, which is located in the CCOFA, shall assist in coordination, information exchange, and analysis among JIATF-S, CCOFA, and COA.

II. SSIMT Procedures

A. SSIMT missions are executed under three categories:

1. Scheduled/Pre-planned SSIMT. Mission dates, times, and search areas shall be determined by JIATF-S based upon actionable intelligence and/or historical trafficking trends. Missions shall be coordinated among JIATF-S, CCOFA and the COA.

2. Alert-launched SSIMT. Ad hoc (immediate, time sensitive and unscheduled) missions in support of actionable intelligence from USG or GOC. These missions shall be coordinated among JIATF-S, CCOFA, and the COA.

3. Transition missions. JIATF-S shall transfer tactical control of the SR-560 and SR-26 to the FAC when a mission that was originally designated for SSIMT is re-tasked for an ABD event. The FAC shall transfer tactical control of the SR-560 and SR-26 to JIATF-S when a mission originally designated for ABD is re-tasked for SSIMT.

B. The SR-560 and SR-26 shall conduct SSIMT missions in accordance with procedures previously established for them by JIATF-S, the FAC, and ARC. Information concerning the surface tracks shall be collected via radar systems, electro-optical and infrared sensors, radio transmissions, and visual sightings.

(1) For each surface track, the ASM shall report as much of the following information as possible:

- (a) Vessel Name;
- (b) Vessel Length;
- (c) Vessel Flag;
- (d) Vessel Type;
- (e) Vessel Position;
- (f) Vessel Course;
- (g) Vessel Speed; and
- (h) Suspect activities in which vessel or crew members are engaged, if any.

(2) Suspicious activity may include, but is not limited to, the following:

- (a) An unusual number of antennae
- (b) No radar reflectors (especially on sailboats)
- (c) Equipment missing or in disrepair (especially on fishing vessels)
- (d) Covered or blackened windows
- (e) An unusual amount of fuel drums or containers on deck
- (f) Water containers or bladders on deck
- (g) Vessel name painted over or on a plaque
- (h) Missing or conflicting registration numbers
- (i) No flag or too many flags displayed
- (j) An unusual attitude displayed by crew (ignoring presence)
- (k) An excessive number of people on board for type of vessel
- (l) New paint or patch work visible
- (m) Crew jettisons material
- (n) A false waterline
- (o) Failure of vessel to respond when called / signaled via normal methods

(p) Unusual maneuvering or positioning; e.g. fishing vessel not on fishing grounds, change in speed / course upon detection

(q) Hull scratches or damage (indicating alongside / transfer ops w/ other vessel)

(r) Low profile vessel (LPV) characteristics.

C. Upon detection of a surface track of interest in coordination with the ARC and JIATF-S, the SR-560 and SR-26 should maneuver and attempt radio communications with the STOI. Once radio contact with the surface track of interest is established, Right of Approach (ROA) questions should be used to determine the following:

- (1) (1) Name of the vessel
- (2) (2) Nationality of the vessel
- (3) (3) Home port
- (4) (4) Official registration number
- (5) (5) Last port of call
- (6) (6) Next port of call
- (7) (7) Purpose of voyage.